



# City of Appleton

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Office of the Clerk/Treasurer  
323 W. Schlieman Ave • Appleton, MN 56208  
emma@appletonmn.org • 320-289-1363

March 17, 2021

Mayor & Councilmembers,

RE: ATV Permit Research

Mayor & Councilmembers,

At the February 17, 2021 meeting, there were questions regarding the ATV Permit Ordinance. I have gone back and listened to the council meeting recordings to help answer your questions as well as researching what, if any, state statutes govern ATV use on public streets.

## ***Minnesota Statute §169.045 Special Vehicle Use on Roadway***

Subdivision 1. **Designation of roadway, permit.** The governing body of any county, home rule charter or statutory city, or town may by ordinance authorize the operation of motorized golf carts, all-terrain vehicles, utility task vehicles, or mini trucks, on designated roadways or portions thereof under its jurisdiction. Authorization to operate a motorized golf-cart, all-terrain vehicle, utility task vehicle, or mini truck is by permit only.

## **July 11, 2007**

Public Hearing on ATV Designated Roads. The ATV event of Applefest 2007 was mentioned numerous times when talking about permits, route and costs of permits. Minnesota State Statute §169.045 was also mentioned as the basis for the Ordinance. The designated routes were modeled after the ones for the golf carts, with the addition of Lhotka Ave. Resolution 2007-01 passed, adopting Chapter 75 of the Appleton City Code.

## **December 10, 2008**

Public Hearing for ATV Code. Redefining designated roadways. Would include all streets except those listed in under Designated Roadways as well as US Highway 7/59/119. Added requirement of sixteen years old with a Minnesota Driver's License or age of 16 with a DNR certification as permitting the operation of ATVs in the state to be eligible for permits. Long discussion on insurance requirements listed in draft of ordinance. Adding signature to permit application that applicant guarantees they have insurance for the ATV they are operating. No vote. Needed revisions for the January meeting.

## **January 14, 2009**

Discussion on proposed ATV Code.

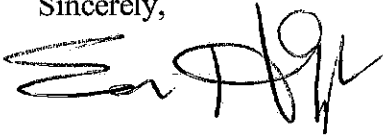
## **February 11, 2009**

Final copy of Ordinance 2009-01 provided to council. Discussion on machines having signals like regular passenger vehicles. Ordinance is basic and leaves some rules like signals up to the

police department. Decision that it had been discussed already in detail by two different councils and it was time to adopt it. Motion passed. Will replace Chapter 75, adopted in 2007, completely.

In summary, in order to allow anyone to operate on our city streets we must have an ordinance in place. We also must have a permit process, which includes proof of insurance or a signature guarantee, as part of our ordinance. There is no requirement from the state of charges for permits.

Sincerely,

A handwritten signature in black ink, appearing to read 'Emma R. Haugen', with a stylized flourish at the end.

Emma R. Haugen  
Clerk/Treasurer

**169.045 SPECIAL VEHICLE USE ON ROADWAY.**

Subdivision 1. **Designation of roadway, permit.** The governing body of any county, home rule charter or statutory city, or town may by ordinance authorize the operation of motorized golf carts, all-terrain vehicles, utility task vehicles, or mini trucks, on designated roadways or portions thereof under its jurisdiction. Authorization to operate a motorized golf cart, all-terrain vehicle, utility task vehicle, or mini truck is by permit only. For purposes of this section:

- (1) an all-terrain vehicle has the meaning given in section 84.92;
- (2) a mini truck has the meaning given in section 169.011, subdivision 40a; and

(3) a utility task vehicle means a side-by-side, four-wheel drive, off-road vehicle that has four wheels, is propelled by an internal combustion engine with a piston displacement capacity of 1,200 cubic centimeters or less, and has a total dry weight of 1,800 but less than 2,600 pounds.

Subd. 2. **Ordinance.** The ordinance shall designate the roadways, prescribe the form of the application for the permit, require evidence of insurance complying with the provisions of section 65B.48, subdivision 5 and may prescribe conditions, not inconsistent with the provisions of this section, under which a permit may be granted. Permits may be granted for a period not to exceed three years, and may be renewed. A permit may be revoked at any time if there is evidence that the permittee cannot safely operate the motorized golf cart, all-terrain vehicle, utility task vehicle, or mini truck on the designated roadways. The ordinance may require, as a condition to obtaining a permit, that the applicant submit a certificate signed by a physician that the applicant is able to safely operate a motorized golf cart, all-terrain vehicle, utility task vehicle, or mini truck on the roadways designated.

Subd. 3. **Times of operation.** Motorized golf carts, all-terrain vehicles, and utility task vehicles may only be operated on designated roadways from sunrise to sunset, unless equipped with original equipment headlights, taillights, and rear-facing brake lights. They shall not be operated in inclement weather, except during emergency conditions as provided in the ordinance, or when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient visibility to clearly see persons and vehicles on the roadway at a distance of 500 feet.

Subd. 4. **Slow-moving vehicle emblem.** Motorized golf carts shall display the slow-moving vehicle emblem provided for in section 169.522, when operated on designated roadways.

Subd. 5. **Crossing intersecting highways.** The operator, under permit, of a motorized golf cart, all-terrain vehicle, utility task vehicle, or mini truck may cross any street or highway intersecting a designated roadway.

Subd. 6. **Application of traffic laws.** Every person operating a motorized golf cart, all-terrain vehicle, utility task vehicle, or mini truck under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of this chapter, except when those provisions cannot reasonably be applied to motorized golf carts, all-terrain vehicles, utility task vehicles, or mini trucks and except as otherwise specifically provided in subdivision 7.

Subd. 7. **Nonapplication of certain laws.** The provisions of chapter 171 are applicable to persons operating mini trucks, but are not applicable to persons operating motorized golf carts, utility task vehicles, or all-terrain vehicles under permit on designated roadways pursuant to this section. Except for the requirements of section 169.70, the provisions of this chapter relating to equipment on vehicles are not applicable to motorized golf carts, utility task vehicles, or all-terrain vehicles operating, under permit, on designated roadways.

Subd. 7a. **Required equipment on mini trucks.** Notwithstanding sections 169.48 to 169.68, or any other law, a mini truck may be operated under permit on designated roadways if it is equipped with:

- (1) at least two headlamps;
- (2) at least two taillamps;
- (3) front and rear turn-signal lamps;
- (4) an exterior mirror mounted on the driver's side of the vehicle and either (i) an exterior mirror mounted on the passenger's side of the vehicle or (ii) an interior mirror;
- (5) a windshield;
- (6) a seat belt for the driver and front passenger; and
- (7) a parking brake.

Subd. 8. **Insurance.** In the event persons operating a motorized golf cart, utility task vehicle, all-terrain vehicle, or mini truck under this section cannot obtain liability insurance in the private market, that person may purchase automobile insurance, including no-fault coverage, from the Minnesota Automobile Insurance Plan under sections 65B.01 to 65B.12, at a rate to be determined by the commissioner of commerce.

**History:** 1982 c 549 s 2; 1986 c 452 s 19; 1Sp1986 c 3 art 2 s 12; 1987 c 337 s 121,122; 1997 c 159 art 2 s 18; 2009 c 158 s 3,10; 2011 c 107 s 89-95; 2012 c 287 art 3 s 56; 2014 c 255 s 20

## PUBLIC HEARING ON ATV DESIGNATED ROADS

A public hearing will be held by the Appleton City Council on Wednesday, July 11, 2007, in the Council Chambers of the Appleton Civic Center at 7:00 PM. Purpose of the public hearing is to establish an ordinance authorizing the operation of motorized or four-wheel all terrain vehicles on designated roadways or portions thereof within the corporate limits of the City of Appleton. For the purposes of this ordinance, a four-wheel all terrain vehicle is a motorized flotation-tired vehicle with four low pressure tires that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 600 pounds. Citizens are encouraged to make comments and assist in the development of the ordinance.

Roman A. Fidler  
City Clerk/Treasurer  
City of Appleton, MN

7/11/2007

Golf cart resemblance

169.045

if cost of reg less than 100, no fee

must have a sticker to display/card

Can't put sticker on DNR plate

2007-01 - Resolution Passed

ATV's applefest weekend

2007

## CHAPTER 75: MOTORIZED FOUR-WHEEL ALL-TERRAIN VEHICLES

### Section

- 75:01 Intent
- 75:02 Definitions
- 75:03 Application of traffic ordinances
- 75:04 Restrictions
- 75:05 Access to designated route
- 75:06 Direct crossings
- 75:07 Persons operating a motorized four-wheel all-terrain vehicle
- 75:08 Equipment
- 75:09 Times of operation
- 75:10 Other motorized four-wheel all-terrain vehicle permit provisions
- 75:11 Revocation of motorized four-wheel all-terrain vehicle permit
- 75:12 Special Permit Authorization

### § 75:01 INTENT.

It is the intent of this chapter to supplement M.S. §§ 169.045, as these statutes may be amended from time to time, with respect to the operation of motorized four-wheel all-terrain vehicles. These statutes and rules are incorporated herein by reference. This section is not intended to allow what the state statutes and rules prohibit, nor to prohibit what the state statutes and rules allow.

### § 75:02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicated or requires a different meaning.

**OPERATE.** To ride in or on and control the operation of a motorized four-wheel all-terrain vehicle.

**OPERATOR.** Every person who operates or is actual physical control of a motorized four-wheel all-terrain vehicle.

**OWNER.** A person, other than a lien holder having the property in or title to a motorized four-wheel all-terrain vehicle, or entitled to the use or possession thereof.

**PERSON.** Includes an individual, partnership, corporation, the state and its agencies and subdivision, and any body of persons, whether incorporated or not.

**RIGHT-OF-WAY.** The entire strip of land traversed by a highway or street in which the public owns the fee or an easement for roadway purposes.

**ROADWAY.** That portion of a highway or street improved, designed or ordinarily used for vehicular travel.

**MOTORIZED FOUR-WHEEL ALL-TERRAIN VEHICLE.** A motorized flotation-tired vehicle with four low-pressure tires that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 600 pounds.

**STREET.** A public thoroughfare, roadway, alley or trail used for motor vehicular traffic which is not an interstate, trunk highway.

### **§ 75.03 APPLICATION ON TRAFFIC ORDINANCES.**

The provisions of Ch. 75 of this code shall apply to the operation of motorized four-wheel all-terrain vehicles upon streets and highways, except for those relating to required equipment, and except those which by their nature have no application.  
Penalty, see § 10.99.

### **§ 75.04 RESTRICTIONS.**

(A) It is unlawful for any person to drive, operate or be in physical control of a motorized four-wheel all-terrain vehicle within the limits of the city:

- (1) Except motorized four-wheel all-terrain routes designated by the City Council.
- (2) On the roadway of any street, except the most right hand lane than available for traffic or as close as practicable to right hand curb or edge of the roadway, except when overtaking and passing another vehicle stopped in the lane or proceeding in the same direction, or in making a left turn. Motorized four-wheel all-terrain vehicles may also be operated upon the outside slope of trunk, county-state aid and county highways where the highways are so configured within the corporate limits.
- (3) On a public sidewalk provided for pedestrian travel.
- (4) On boulevards within any public right-of-way.
- (5) On private property of another without specific permission of the owner or person in control of the property.

(6) Upon any school grounds, except as permission is expressly obtained from responsible school authorities.

(7) On public property, playgrounds and recreation areas, except on areas previously listed or authorized for the use by resolution of the City Council, in which case the use shall be lawful, and motorized four-wheel all-terrain vehicles may be driven in and out of those areas by the shortest route.

(8) On streets as permitted by this chapter at a speed exceeding 30 miles per hour.

#### **§ 75.05 ACCESS TO DESIGNATED ROUTE.**

(A) It is unlawful to operate a motorized four-wheel all-terrain vehicle in the City except as permitted by Subparagraph B of this subdivision.

(B) Motorized four-wheel all-terrain vehicles are permitted to be operated on the motorized four-wheel all-terrain routes established by the council. Motorized four-wheel all-terrain vehicles shall not be operated on any other streets of the City except for the purpose of reaching and leaving the established routes by the most direct street route to the home of the operator, usual place of storage of the motorized four-wheel all-terrain vehicle, place of temporary lodging or other designated areas.

#### **§ 75.06 DIRECT CROSSING**

(A) A motorized four-wheel all-terrain vehicle may make a direct crossing of a street or highway provided:

(1) The crossing is made at an angle of approximately 90 degrees to the direction of the street or highway and a place where no obstruction prevents a quick and safe crossing.

(2) In crossing a divided street or highway, the crossing is made only at an intersection of such street or highway with another public street or highway.

#### **§ 75.07 PERSONS OPERATING A MOTORIZED FOUR-WHEEL ALL-TERRAIN VEHICLE.**

It is unlawful for the owner of a motorized four-wheel all-terrain vehicle to permit the four-wheel all-terrain vehicle to be operated contrary to the provisions of this section. Penalty, see § 10.99.

## **§ 75.08 EQUIPMENT.**

It is unlawful for any person to operate a motorized four-wheel all-terrain vehicle any place within the corporate limits of the city unless equipped with the following:

(A) Brakes adequate to control the movement of and to stop and hold the motorized four-wheel all-terrain vehicle under any conditions of operation.

## **§ 75.09 TIMES OF OPERATION.**

Motorized four-wheel all-terrain vehicles may be operated of designated roadways from sunrise to sunset. They shall not be operated in inclement weather or when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet.

## **§ 75.10 OTHER MOTORIZED FOUR-WHEEL ALL-TERRAIN PERMIT PROVISIONS**

Notwithstanding any prohibitions in this chapter, a motorized four-wheel all-terrain vehicle may be operated on a public thoroughfare only if the permit provisions are completed as follows:

(A) Any person intending to operate a motorized four-wheel all-terrain vehicle on a public street or properties within the city, shall make application for a motorized four-wheel all-terrain vehicle permit.

(B) Each applicant by his or her signature on the permit, guarantees insurance coverage of the motorized four-wheel all-terrain vehicle for a period of one (1) year plus annual renewal.

(C) The operator of a motorized four-wheel all-terrain vehicle shall obey all traffic laws except when those provisions cannot reasonably apply to motorized four-wheel all-terrain vehicles.

(D) Permits are current only for the year issued and will expire on an annual basis on the date of January 1<sup>st</sup> as permits may be granted for a period of not to exceed one year.

## **§ 75.11 REVOCATION OF MOTORIZED FOUR-WHEEL ALL-TERRAIN VEHICLE PERMIT.**

(A) Any person violating the provisions of a motorized four-wheel all-terrain vehicle permit, shall receive written notice of revocation from the Chief of Police by United States mail.

**Dated: December 5, 2008**

To: Appleton City Council

From: Roman A. Fidler, Clerk/Treasurer

**Narrative for Council Meeting: December 10, 2008**

**Public Hearing:** ATV Code:

Enclosed are copies of Chapter 75 that was adopted by the City in 2006 and a copy of the proposed Ordinance for the ATV's.

**Presentations:**

No Presentations.

**IV. - Old Business:**

- A. Dave Berryman will be at the meeting to present a report on the Proposed 2009 Street Project. He will be looking for authorization for field work and preliminary design.
- B. Attached are pay requests from Meier Electric for the Generator & Aeration. We should have the Facility Plan from Bolton & Menk on Monday.
- C. Attached is the quotes tally sheet for the second phase of the Ambulance Service Building Renovation Project. The council members did not approve any changes in the Ambulance pay rates or the Charge rates for runs in September. Warren Rau is not able to be at the meeting next week, but hopes to have someone else there.
- D. Attached is a copy of the Resolution for the 2009 Budget & Levy.

**V. - New Business:**

- A. Marv Koosman has provided his letter of resignation as of December 31, 2008. It should be accepted by motion.
- B. People Service, Inc. annual CPI adjustment is attached for approval.
- C. We will have the new officers for the Fire/Rescue Dept before Wednesday's meeting for council approval. I believe that there will be representatives from the Fire/Rescue to discuss wage rates and authorization to advertise for a new pumper.
- D. Attached is a list of the Utility Bills to be written off.

**VI. - Bills:**

We have emailed or copied the payroll and bills to the council members during the month. If you have questions call the office.

**VII. - Staff Reports:**

**Dated: December 29, 2008**

To: Appleton City Council

From: Roman A. Fidler

**Narrative for Council Meeting: January 14, 2009**

**I. - Minutes:**

Minutes have been emailed or provided in paper form to all council members. There was one error discovered after it was sent out. The council members making and seconding the motion for Resolution 2008-40 had been left out. It has been corrected in the original. If there are additional corrections they can be accepted without a motion.

**II. - Presentations:**

No Presentations

**III. - Changes to Agenda:**

If there are not changes to the agenda it can be accepted without a motion.

**IV. - Old Business:**

A. All council members have copies of the ATV's Proposed Code. The final changes and action is the decision of the 2009 council.

**V. - New Business:**

- A. Attached is a listing of the Liquor Licenses for 2/1/09 to 1/31/10.
- B. Attached is a listing of the Wine Licenses for 2/1/09 to 1/31/10.
- C. Time to advertise for summer employment again for the Swimming Pool, Parks & Cemetery.
- D. Ron is working on the Mayoral appointments for 2009. If they are ready for January 14<sup>th</sup>, it will be removed from the agenda till February meeting.
- E. You will have a listing of the officers that were elected for the Appleton Firefighter Relief Association meeting to be held on Monday, January 12, 2009.
- F. Attached are copies of the Gambling Permit Applications for the LTD Motorcycle Tour and Appleton Firefighters Relief Association.
- G. Attached is a resolution Supporting Maintenance of Deputy Registrar's.

## **VI. – Payment of Bills:**

Motion to approve payment of the bills as listed. These listings have been either emailed or given out in paper copy. If there are questions on the listing of bills give the office a call and we can answer any questions prior to the meeting if you are interested.

## **VII. – Staff:**

1) – You have a letter from Katie Martinson, daughter of Robert & Konni Rodriguez. The City bought this property when it went up for tax sale by the Swift County Auditor in 2008. I discussed the request with Harry Hohman and we feel there is a liability letting them back into the house. The Rodriguez family has had ample time to go in the house the last five years and remove whatever they had for personal property. The Fire/Rescue Dept. has already been in the property and removed items from the house that were taken to the white goods site and moved carpets, furniture and items into the basement to prepare the house for a training burn.

2) – The last three years the City of Appleton had committed \$3,500.00 per year. With the cuts in LGA the council needs to discuss the commitment they want to make for 2009.

3) – Attached is a copy of the letter received from the MPCA, Rochester office. The City will be paying the \$8,000.00 fine within the 30 day requirement. Also attached for the new council members is the information that was given to council at the December 10, 2008 meeting by Mr. Lind of Del Dee Foods.

4) – The UMVRDC is looking for a municipal representative. Mayor Elect Ronning has served on this board in the past. We need to know if any of the council members have interest.

5) – Attached is a copy of the letter received from the MN Dept. of Revenue showing the City of Appleton Unallotment for 2008 in the amount of \$74,058.00.

## **\*\* Closed Session – Union Negotiations**

There will be a closed session to review the last negotiations with the Police Dept. Union. Information will be provided at the meeting. If you have interest before the meeting you will have to stop at the City Office. The information you receive at this time is private and is not to be given or disclosed to the public. If you have questions you can talk to Bob Thompson or Harry Hohman.

**For the three new members of the council we have provided information on the LMC Leadership Conference to be held in Bloomington, MN on February 20-21, 2009. If you are interested in attending let the office know at the January 14<sup>th</sup> meeting and we will reserve rooms and get the registration submitted.**

**APPLETON CITY COUNCIL MEETING**

**WEDNESDAY, February 11, 2009- 7:00 P.M.**

**Appleton Civic Center**

**Regular Meeting**

--Agenda--

**I. Approval of Minutes: 1/14/09 & 1/21/09**

**II. Presentations:**

1) – Western MN Prairie Waters – Tourism.

**III. Changes to Agenda.**

**IV. Old Business:**

A. City Code – ATV's.

B. Del Dee Foods – Attorney's Fees.

C. Police Dept. – Radar Units.

D. Appleton Ambulance Relief Assn. – Funds.

E.

F.

**V. New Business:**

A. Prairie Sun Bank – Wind Turbine Project.

B. Special Use Permit – Bed & Breakfast.

C. Gambling Permit – Ducks Unlimited & Ridge Runners, Inc.

D. Mayor Appointments 2009 – Change.

E. Franchise Agreement – Federated Telephone.

F. Ambulance Renovation Project – Change.

G.

H.

**VI. Payment of bills:**

**VII. Staff Report:**

1) – Street Assessment Code.

2) – Guest Speakers at Council Meetings.

3) – Housing Incentives.

4) – Fire/Rescue Dept. – Billing Procedures.

5) – Insurance Deductible 2009.

**VIII. Adjournment.**

Mayor: \_\_\_\_\_

Councilmember: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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**Dated: February 11, 2009**

To: Appleton City Council

From: Roman A. Fidler

**Proposed Motions for Council Meeting of February 11, 2009**

**I. - Minutes:**

If there are no changes, the minutes will be accepted as presented, No Motion required.

**II. – Presentations:**

No motion.

**III. – Changes to Agenda:**

If there are no changes, the agenda is approved with out a motion.

**IV. - Old Business:**

- A. Motion that the City Council of the City of Appleton adopts Code Resolution 2009-01 Amending the Code, Chapter 75: Motorized Four-Wheel All-Terrain Vehicles.
- B. Motion to approve the payment of attorney's fees to Del Dee Foods, Inc. in the amount of \$5,825.00.
- C. Motion to approve the purchase of two radar units from Stalker Radar of Plano, TX in the amount of \$3,742.00.
- D. Motion to approve that the current money balance in the Appleton Ambulance Relief Association account will remain in their account, the \$1,500.00 Western Consolidated Cooperative donation that was deposited into the City of Appleton's general fund will be transferred to the Appleton Ambulance Relief Association account (a letter requesting this transfer was received from Western Consolidated Cooperative) and the funds remaining in the Appleton Ambulance Service checking account to be transferred to the City of Appleton's general fund.

**V. - New Business:**

- A. Motion to approve the request of Prairie Sun Bank for the refunding of the building permit for the Wind Turbine Project proposed in 2007 and never constructed, in the amount of \$350.05.
- B. Motion to approve the Special Use Permit Request of David & Charlene Stockton of Drummonds, TN for a Bed & Breakfast and Tea Room at 44 N. Haven St., contingent on meeting the requirements requested by Richard Gieser, adjoining property owner, dated January 23, 2009.
- C-1. Motion to approve the Gambling Permit Application for the Ducks Unlimited Marsh Lake Chapter, for March 28, 2009, with no waiting period.

C-2. Motion to approve the Gambling Permit Application for the Ridge Runners, Inc., for March 20, 2009, with no waiting period.

D. Motion to approve the changes to the Mayoral Appointments for 2009, as requested by the Appleton Area Health Services staff.

E. Motion to set a public hearing for a Franchise Agreement to Federated Telephone Cooperative, for Wednesday, March 11, 2009 at 7:00 P.M.

F. Motion to approve change order #1 to the Ambulance Building Renovation Project – 2009 in the amount of \$1,825.00.

**VI. – Payment of Bills:**

Motion to approve payment of the bills as listed.

**VII. – Staff Reports:**

## **ORDINANCE 2009-01**

### **AN ORDINANCE REGULATING THE USE OF ALL-TERRAIN VEHICLES ON CITY STREETS**

**THE COUNCIL OF THE CITY OF APPLETON DOES HEREBY ORDAIN:**

#### **§ 75: ALL-TERRAIN VEHICLES**

**Subd. 1. Purpose.** The purpose of this section is to authorize the operation of motorized 4-wheel all-terrain vehicles on designated roadways in the City of Appleton, pursuant to the authority given to the City by Minnesota statutes section 169.045.

**Subd. 2. Definitions.** The following terms as used in this Section shall have the meanings stated:

- A. "All Terrain Vehicle" or "ATV" means a motorized flotation-tired vehicle riding on four low pressure tires having an engine displacement of at least 100 but less than 800 cubic centimeters, and total dry weight of less than 600 pounds.
- B. "Designated Roadways" means city streets, avenues and alleys not specifically excluded in this ordinance. It does not include alleys situated one city block distance from Miles Street. It does not mean United States, Minnesota or county highways or roads; Thielke Avenue from Munsterman Street to Miles Street; Miles Street from Thielke Avenue to Rooney Avenue; Rooney Avenue from Miles Street to Munsterman Street; Reuss Avenue from Bordson Street to Munsterman Street and Reuss Avenue from Munsterman Street to the west corporate limits of the City of Appleton unless specifically permitted by this ordinance.

#### **Subd. 3. Required Permit.**

- A. No person may operate a ATV pursuant to this section without a valid permit from the city and the current permit decal shall be located on the existing rear license plate.
- B. Permit applications shall be available at the City Clerk's office, Police Department or other agencies designated by the City Council and shall be in a form approved by resolution of the City Council.
- C. Only persons age sixteen or greater holding a driver's license recognized by the State of Minnesota or age sixteen or greater with a DNR certification as permitting the operation of ATVs in the state are eligible for permits. A permit issued under this section shall only be valid during the time and under the circumstances that the holder's driver's license would allow operation of a motor vehicle in the State of Minnesota.

D. At the time of application, the applicant shall:

- (a) Provide proof of insurance complying with the requirements of Minnesota Statutes Section 169B.045, Subdivision 8, as the same may be amended from time to time. In the event persons operating an all-terrain vehicle under this section cannot obtain liability insurance in the private market, that person may purchase automobile insurance, including a no-fault coverage, from the Minnesota Automobile Assigned Risk Plan at a rate to be determined by the commissioner of commerce.
- (b) Provide all other information as may be required by resolution of the city Council.

E. All permits granted pursuant to this section shall be issued for a period not to exceed one year and may be renewed annually by complying with the requirements of this section.

F. The city council shall set fees for such permits by resolution.

**Subd. 4. Conditions.**

A. No person shall operate a ATV under this ordinance:

- i. Except on designated routes and from sunrise to sunset.
- ii. In inclement weather or when visibility is impaired by weather, smoke, fog, or other conditions, or at any time when there is insufficient light to clearly see persons in vehicles on the roadway at a distance of five hundred feet (500').
- iii. With a passenger or passengers unless each such passenger is seated on a seat specifically designed for the transport of passengers.

B. The operator of a ATV under permit on designated routes shall have all the rights and duties applicable to the driver of any other vehicle under the provisions of Minnesota Statutes 169 or other applicable statute or ordinance, except when those provisions cannot reasonably be applied to ATVs and except as otherwise specifically provided in Minnesota statute section 169.045, Subdivision 7.

C. A permittee whose ATV is garaged or stored on property abutting an alley may operate the vehicle in that alley along the most direct route to and from a designated roadway.

**Subd. 5. Revocation or Denial of Permit.**

A. A permit may be revoked by the Chief of Police at any time or denied if it is shown that the permittee cannot safely or legally operate, or has not safely or legally operated, the ATV within the City or if the permittee's driver's license is no longer recognized as valid in the State of Minnesota. A permittee may appeal any such revocation or denial to the

City Council by filing notice of appeal at the city office not later than 14 days after the date of notice of the action to be appealed from.

**Subd. 6. Limitation of Liability.**

- A. Nothing in this chapter shall be construed as an assumption of liability by the City for any injuries to persons or property which may result from the operation of a ATV by a permit holder, the grant of such permit, or the failure by the City to revoke said permit.

**Subd. 7. Violation and Penalties.**

- A. Any person violating any provision of this ordinance shall be guilty of a petty misdemeanor and is subject to having his or her permit under this section revoked.

**PASSED AND ADOPTED THIS 11<sup>TH</sup> DAY OF FEBRUARY, 2009.**

**APPLETON CITY COUNCIL**

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**Ronald A. Ronning, Mayor**

**ATTEST:**

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**Roman A. Fidler, Clerk/Treasurer**